

Thomas M. Downey, SBN 142096
tdowney@burnhambrown.com
BURNHAM BROWN, APC
2125 Oak Grove Road, Suite 105
Walnut Creek, CA 94598-2537
Telephone: (510) 444-6800

Attorneys for Defendant and Third Party Plaintiff
and Cross-Defendant
THE GREENVILLE RANCHERIA
OF MAIDU INDIANS OF CALIFORNIA

Steven S. Tennyson
Assistant United States Attorney
steven.tennyson2@usdoj.gov
OFFICE OF THE UNITED STATES ATTORNEY
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700

Attorneys for Plaintiff
UNITED STATES OF AMERICA

Richard S. Linkert, Esq.
rlinkert@mathenysears.com
LAW OFFICES OF MATHENY SEARS
LINKERT & JAIME LLP
3638 America River Drive
Sacramento, CA 95864
Telephone: (916) 978-3434

Attorneys for Third Party Defendant
and Cross-Claimant
FEATHER RIVER RESOURCE CONSERVATION DISTRICT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE GREENVILLE RANCHERIA OF
MAIDU INDIANS OF CALIFORNIA and
ROES 1 TO 20,

Defendants.

AND RELATED CROSS-CLAIMS

No. 2:21-cv-00662-WBS-KJN

**AMENDED JOINT STIPULATION TO
MODIFY SCHEDULING ORDER**

Complaint Filed: April 13, 2021
TGRMIC's Third Party Complaint Filed: March 25, 2022
FRRCD's Cross-Claim Filed: April 19, 2022
Trial Date: January 31, 2023

1 Plaintiff UNITED STATES OF AMERICA (“Plaintiff”), Defendant and Third Party
2 Plaintiff and Cross-Defendant THE GREENVILLE RANCHERIA OF MAIDU INDIANS OF
3 CALIFORNIA (“Greenville”) and Third Party Defendant and Cross-Claimant FEATHER
4 RIVER RESOURCE CONSERVATION DISTRICT (the “District”) (collectively hereinafter
5 “the Parties”) have entered into a joint stipulation to modify the Initial Scheduling Order as
6 described below.

7 I. FACTUAL BACKGROUND

8 1. This multi-party action is factually complex with disputed issues of causation and
9 liability related to a fire that occurred in April 2015 in Plumas National Forest. Plaintiff filed the
10 initial Complaint on April 13, 2021.

11 2. On October 1, 2021, the Court entered in a Pretrial Scheduling Order. (Dkt. 10.)
12 In that Order, the Court found that if it “grants a motion to file a third party complaint,” then
13 “the parties may request a further status conference,” which “might be appropriate once all
14 parties have been joined.” (*Id.* at n.1.)

15 3. Defendant Greenville filed a Third-Party Complaint against the District.
16 Subsequently, on April 19, 2022, the District filed an answer to the Third Party Complaint and a
17 separate Cross-Claim against Third Party Plaintiff Greenville.

18 4. The Parties have met and conferred through counsel regarding the recent addition
19 of the District in this action, the coordination of discovery and expert witness information and
20 the possible resolution of this matter.

21 II. STIPULATION

22 5. The parties, through counsel, agree that there is good cause to modify the current
23 Scheduling Order and continue the pre-trial deadlines as described below. The proposed
24 adjustments will allow the parties to coordinate discovery and integrate the District into the
25 Court’s scheduling order in an orderly and cost effective manner. In addition, the proposed
26 modifications will permit the parties to explore a potential for resolution through private
27 mediation.

28 ///

6. The original deadlines set for filing dispositive motions and commencement of trial remain the same. This is the first proposed modification to the Scheduling Order submitted by the parties.

7. Based on the foregoing, the parties respectfully request that this Court continue the pretrial deadlines in the following manner:

<i>Description</i>	<i>Current Date</i>	<i>Modified Date</i>
Disclose Experts	June 24, 2022	Aug. 22, 2022
Rebuttal Expert Disclosure	July 29, 2022	Sep. 7, 2022
Complete Discovery	Aug. 26, 2022	Sep. 30, 2022
Discovery Motions	Aug. 26, 2022	Sep. 30, 2022
All Motions	Sep. 23, 2022	Oct. 28, 2022
Final Pre-Trial Conference	Dec. 5, 2022	Dec. 19, 2022
Jury Trial	Jan. 31, 2023	Feb. 28, 2023

A proposed order that includes the modified dates is filed herewith.

IT IS SO STIPULATED.

DATED: June 1, 2022

BURNHAM BROWN

By: /s/ Thomas M. Downey
 THOMAS M. DOWNEY
 GREGORY H. McCORMICK
 Attorneys for Defendant
 and Third Party Plaintiff
 THE GREENVILLE RANCHERIA
 OF MAIDU INDIANS OF CALIFORNIA

DATED: June 1, 2022

PHILLIP A. TALBERT
 OFFICE OF THE UNITED STATES ATTORNEY
 United States Attorney

By: /s/ Steven S. Tennyson
 STEVEN S. TENNYSON
 Assistant United States Attorney
 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

1 DATED: June 1, 2022

LAW OFFICES OF MATHENY SEARS
LINKERT & JAIME LLP

3 By: /s/ **Richard S. Linkert**

4 RICHARD S. LINKERT
5 Attorneys for Third Party Defendant
6 and Cross-Claimant
7 FEATHER RIVER RESOURCE
8 CONSERVATION DISTRICT

9 4855-9151-0819, v. 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE GREENVILLE RANCHERIA OF
MAIDU INDIANS OF CALIFORNIA and
ROES 1 TO 20,

Defendants.

AND RELATED CROSS-CLAIMS

No. 2:21-cv-00662-WBS-KJN

**ORDER MODIFYING SCHEDULING
ORDER**

Complaint Filed: April 13, 2021
TGRMIC's Third Party Complaint Filed: March 25, 2022
FRRCD's Cross-Claim Filed: April 19, 2022
Trial Date: January 31, 2023

1 The parties to this action, including Defendant, Third Party Plaintiff and Cross-
2 Defendant THE GREENVILLE RANCHERIA OF MAIDU INDIANS OF CALIFORNIA,
3 Plaintiff UNITED STATES OF AMERICA, and Third-Party Defendant and Cross-Claimant
4 FEATHER RIVER RESOURCE CONSERVATOIN DISTRICT, through counsel, have
5 stipulated to certain modifications in the Initial Scheduling Order.

6 Per the stipulation of the parties, and GOOD CAUSE APPEARING THEREFOR, IT IS
7 HEREBY ORDERED that the Scheduling Order is **MODIFIED** as set forth below.

8

<i>Description</i>	<i>Modified Date</i>
Disclose Experts	8/22/2022
Rebuttal Expert Disclosure	9/7/2022
Complete Discovery	9/30/2022
Discovery Motions	9/30/2022
Dispositive Motions	10/28/2022
Final Pre-Trial Conference	12/19/2022
Jury Trial	2/28/2023

9
10
11
12
13
14
15
16

17 **IT IS SO ORDERED.**

18 Dated: June 2, 2022

19 

20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28